

## REMARKS

Claims 13-24 are pending and under consideration. Reconsideration is requested.

### Traverse of Rejections

In item 6 of the Office Action, the Examiner rejects independent claims 13, 21, 23, and 24 (and dependent claims 14-15, 18-20, and 22) under 35 U.S.C. §102(e) as being anticipated by US Patent Publication 2004/0184471 A1 to Chuah et al ("Chuah"). (See, Office Action at pages 4-9). In item 10 of the Office Action, the Examiner rejects dependent claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Chuah in view of US Patent 6,496,551 B1 to Dam et al ("Dam"). (See, Office Action at pages 10-11).

The rejections are traversed.

Independent claim 13 recites a method for transmission in a radio communication system of at least one data block from a base station to a plurality of subscriber terminals in accordance with a point-to-multipoint transmission including "transmitting, by the base station to a selected group from receiving subscriber terminals, an explicit request for signaling of information with respect to reception of the at least one data block; and initiating at least one subsequent transmission of one of the at least one data block by the base station according to the information received from the selected group of subscriber terminals." Independent claims 21, 23, and 24 have similar recitations.

Applicants submit that Chuah does not teach all of the features recited by at least each of the independent claims. Thus, the rejection is in error and should be withdrawn.

According to an exemplary embodiment, as recited by claim 13, for example, it is required that an explicit request for signaling of information with respect to reception of the at least one data block is transmitted by the base station to a selected group from receiving subscriber terminals.

In Response to Arguments, the Examiner asserts:

Claim 13 does not recite selecting a group by transmitting a request, the claim merely recites "transmitting, by the base station to a selected group from receiving subscriber terminals...", which Examiner interpreted to mean a group of subscribers from the whole has already been selected, and not selected by the request. If it is the Applicant's intent to select a group from a group of subscribers, Examiner suggest amending the claim to include a selecting step.

(See, Office Action at pages 3).

Applicants respectfully submit, however, that transmitting to a selected group would be clear to one of ordinary skill in the art without adding, as the Examiner's suggests, a separate "selecting step."

Applicants submit that Chuah, by contrast, does not teach at the base station transmitting an explicit request for signaling of information with respect to reception of a data block to a selected group from receiving subscriber terminals. By contrast with claim 13, Chuah merely teaches:

FIG. 6(a) . . . diagram describing a transmission offset technique from the viewpoint of a sender of a multicast message . . . Initially, a sender (transmitter), such as a base station transceiver, for example, may encode (S602) a multicast message into M data blocks. The first block may be independently decodable, and subsequent blocks may be a repetition of the first block, e.g., incremental redundancy data blocks. The transmitter may then transmit (S604) the starting block of the multicast message over a downlink channel to all groups of users, e.g., each i-th group.

(See, for example, paragraph [0037]).

By further contrast with claim 13, Chuah merely teaches

After transmission begins, the transmitter listens (S606) for responses in  $N \times K$  responding timeslots from each i-th group of users (each i-th group responds in order of their radio condition). The parameter K is a configurable delay constraint parameter that may be utilized to control maximum delay between multicast message transmissions. The parameter N represents the number of groups of users, and  $N \times K$  (NK) may represent the maximum delay (in terms of timeslots) that the transmitter needs to wait before moving on to the next multicast message. If the transmitter hears a NACK (output of S608 is YES) in one of the NK timeslots, transmit (S610) the next block for the same message and repeat function S606. If the transmitter does not hear a NACK in any of the NK timeslots (output of S608 is NO), the transmitter clears its buffer and fetches the next multicast message (S611), and repeats function S602.

(See, for example, paragraph [0038]).

That is, Chuah merely teaches in paragraphs [0037] and [0038], for example, cited by the Examiner that initially a base station transmits the starting block of the multicast message over a downlink channel to all groups of users. After transmission begins, the transmitter listens for responses from each group of users. If the transmitter (base station) hears a NACK output in one of the NK timeslots, it transmits the next block for the same message. If it does not hear a NACK in any of the NK timeslots, the transmitter clears its buffer and fetches the next multicast message.

That is, Chuah teaches does not teach transmission as recited by claim 13 but a

completely different method.

For example, Chuah does not teach transmitting a request to a selected group. By contrast, Chuah teaches transmitting to all groups of users.

As another example, Chuah does not teach the base station transmitting an explicit request for signaling of information. Further, Chuah does not teach the transmitting of any request.

By contrast, Chuah teaches that the base station listens for responses from each group of users and does not request a signaling of information from a select group of users.

Accordingly, Applicants submit that one of ordinary skill in the art in view of the disclosure of Chuah would conclude that Chuah teaches transmitting a data block from a base station to a plurality of subscriber terminals in an entirely different way than according to the subject application.

Thus, Applicants submit that the Examiner's rejection is in error and should be withdrawn.

\* \*

The Examiner requested in the Office Action that the term "explicit" used in the independent claims be clarified.

In view of the above arguments above using the term "explicit," Applicants respectfully submit that the term "explicit" would be understood by one of ordinary skill in the art, and that the term does not require clarification.

\* \*

Since all of the features recited by each of the independent claims are not taught by Chuah, Applicants submit that the Examiner's rejection is in error and the §102 rejection of independent claims 13, 21, 23, and 24 should be withdrawn.

\* \* \*

The Examiner relies on the teaching of Dam regarding signaling and access bursts (see, for example, page 11). Applicants submit that the teachings in Dam do not overcome the deficiencies in the teaching of Chuah discussed above.

Thus, even an *arguendo* combination of the art of record does not teach all of the features recited by each of the independent claims.

\* \* \*

Dependent claims 14-20 depending from independent claim 1, and claim 22 depending from independent claim 21, inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for at least the reason discussed above. Thus, the rejection is in error and should be withdrawn and dependent claims 14-20 and 22 allowed.

**Conclusion**

The Examiner's rejection is in error and should be withdrawn and claims 13-24 allowed.

**Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

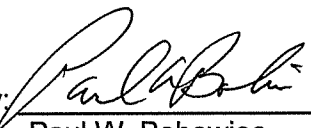
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 14, 2008

By:   
Paul W. Bobowiec  
Registration No. 47,431

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501